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**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

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**2014-1712**

**SFA SYSTEMS, LLC**

Plaintiff-Appellee,

V.

**NEWEGG INC.**

Defendant-Appellant,

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Appeal from the United States District Court for the Eastern District of Texas in  
Case no. 6:09-cv-00340 and Case no. 6:11-cv-00399 Judge Leonard Davis

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**PLAINTIFF-APPELLEE SFA SYSTEMS, LLC'S  
UNOPPOSED MOTION FOR SUBSTITUTION OF  
PRINCIPAL COUNSEL AND OTHER COUNSEL  
FOR SFA SYSTEMS, LLC**

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December 4, 2014

**APPELLEE SFA SYSTEMS, LLC'S  
UNOPPOSED MOTION FOR SUBSTITUTION OF COUNSEL**

Appellee SFA Systems, LLC (“SFA”) moves the Court for an order allowing the substitution of counsel for SFA, namely: to substitute Liz Wiley of The Wiley Firm PC as principal counsel for SFA and to substitute Andrew Spangler of Spangler Law PC as of counsel for SFA in the place of current SFA counsel of record, Marc A. Fenster (principal counsel) and Adam S. Hoffman (of counsel) of the law firm of Russ August & Kabat. No counsel for Russ August & Kabat will be appearing in this Court for SFA after the substitution.

SFA has notified counsel for Appellant Newegg, Inc. (“Newegg”) of its intent to seek this substitution, and Newegg does not object.

**BACKGROUND**

This appeal was docketed on August 12, 2014, and the opening brief of Newegg was due on October 14, 2014. Newegg sought and obtained an extension of time for its opening brief and filed its confidential brief and non-confidential briefs on October 28, 2014. Dkt. Nos. 26, 29. SFA’s deadline to file its responsive brief was December 11, 2014. After Newegg’s opening brief was filed, it became apparent that new counsel for SFA would be sought for the appeal. Thus, SFA filed a motion for extension of time (Dkt. No. 33), to allow enough time for the transition of new counsel and for the motion practice that would be required to effect the substitution. The Court granted that motion for extension of time on December 3, 2014. Dkt. No. 34. SFA’s response is now due on January 26, 2015.

**RELIEF SOUGHT**

SFA seeks an order permitting the substitution of new counsel in the place of current counsel of record, Mark Fenster and Adam Hoffman of Russ August & Kabat. Specifically, Ms. Wiley will be substituted as principal counsel for Mr.

Fenster, and Andrew Spangler is to be substituted as of counsel. Ms. Wiley and Mr. Spangler have already each filed an Entry of Appearance.

### **STATEMENT OF CONSENT**

SFA has discussed this motion with Newegg. Newegg represents that it will not oppose this motion.

### **CONCLUSION AND PRAYER**

Therefore, SFA respectfully requests that the Court grants this motion and permit that Ms. Wiley be substituted as principal counsel for SFA, and Mr. Spangler substituted as of counsel for SFA in the place of current of counsel, Adam Hoffman.

Respectfully submitted,

DATED: December 4, 2014

/s/ Elizabeth A. Wiley

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Counsel for Plaintiff-Appellee  
SFA Systems, LLC

**CERTIFICATE OF INTEREST**

The undersigned counsel for Appellee SFA Systems, LLC certifies the following:

1. The full name of every party or amicus represented by me is:

SFA Systems, LLC

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

Same as No. 1.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Legacy Patent Holdings, LLC

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this Court are:

**Law Firm**

**Attorney(s)**

Russ August & Kabat

Alexander C. Giza  
Benjamin T Wang  
Branden Frankel  
Jacob Buczko  
Jules L. Kabat  
Mark A. Fenster  
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Spangler Law PC

Andrew W. Spangler

The Wiley Firm PC

Elizabeth A. Wiley

/s/ Elizabeth A. Wiley  
Elizabeth A. Wiley  
*Counsel for Appellee SFA Systems, LLC*

Date: December 4, 2014

### **PROOF OF SERVICE**

I hereby certify that on this 4th day of December, 2014, SFA Systems LLC's **MOTION FOR SUBSTITUTION OF COUNSEL** was served with the Court's ECF filing system to counsel of record listed below:

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